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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,174	07/29/2003	A. Bruce Plumley	G48-1383-1-1	7174

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EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,174

Applicant(s)

PLUMLEY, A. BRUCE

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerent et al. (2001/0045148) in view of Plumley et al. (2004/0055691). In regards to claim 1, Gerent et al. (2001/0045148) discloses the invention including providing a layer of sheet-type work material (13) carried by a support surface (44), providing a scanning and cutting table (36), the support surface is mounted to the table (44), a carriage mounted to the table for movement back-and-forth in a first coordinate direction in response to commands issued from a controller (52), a cutting head (56) and a scanning head (30) mounted on the carriage (Fig. 1), each for movement independently of the other back-and-forth along the carriage in response to commands issued from the controller in a second coordinate direction approximately perpendicular to said first coordinate direction (56 and 30), and automatically scanning the work material (30). In regards to claim 7, Gerent further discloses the step of providing a cutting head and a scanning head includes providing the cutting head and the scanning head on opposite longitudinal sides of the carriage (Fig. 1).

However, Gerent fails to disclose that the automatically scanning step determines a periphery and detects flaws, automatically nesting a pattern after the flaw

detection, automatically nesting a pattern piece onto the work material while simultaneously cutting the previously nested pattern piece, and the work material comprises a hide. Plumley et al. (2004/0055691) teaches an automatic scanning step that determines the a periphery and detects flaws (paragraph [0022] lines 11-15), automatically nesting a pattern after the flaw detection (paragraph [0031] lines 17-18), nesting a pattern piece onto the work material while simultaneously cutting the previously nested pattern piece (Claim 19), and the work material is a hide (14). Therefore it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Gerent et al. (2001/0045148) with simultaneously performing the nesting and cutting functions, as taught by Plumley et al. (2004/0055691), to speed up the work that is being performed.

3. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerent et al. (2001/0045148) in view of Plumley et al. (2004/0055691) as applied to claim 1 above, and further in view of Gerber (5,089,971). Gerent et al. (2001/0045148) and Plumley et al. (2004/0055691) disclose the invention but fail to disclose that the a vacuum generator for drawing the work material against the support surface, covering the work piece with a layer of impermeable material for being cut with the work piece, and operating the vacuum generator to draw the work material and the layer of impermeable material down against a support surface. Gerber (5,089,971) teaches that a vacuum generator for drawing the work material against the support surface (22 and 42), covering the work piece with a layer of impermeable material for being cut with the work piece (80), and operating the vacuum generator to draw the work material and the

layer of impermeable material down against a support surface (42). Therefore it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Gerent et al. (2001/0045148) in view of Plumley et al. (2004/0055691) with a layer of impermeable material and a vacuum generator, as taught by Gerber (5,089,971), to better hold the work piece in place while work is being performed.

Response to Arguments

4. Applicant's arguments filed 17 May 2005 have been fully considered but they are not persuasive. Plumley et al. clearly teaches to Gerent that it is old and well known to simultaneously cut and nest. Therefore, Gerent modified by Plumley et al. clearly discloses nesting a subsequent pattern piece onto the work material while simultaneously cutting the previously nested pattern piece. Plumley et al. also clearly teaches to Gerent that it is old and well known to automatically scan to determine a periphery and detect flaws as claimed.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 571-272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JP
August 3, 2005



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